

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Chicago Police Officers SHANNON )	
SPALDING and DANIEL ECHEVERRIA, )	
) )	
Plaintiffs, ) )	
) )	
v. ) ) Mo. 12-cv-8777	
) )	
CITY OF CHICAGO, Chicago Police Chief ) ) Judge Gary Feinerman	
JUAN RIVERA, Chicago Police Chief ) )	
JAMES O'GRADY, Chicago Police Chief ) )	
NICHOLAS ROTI, Chicago Police Lt. ) ) Magistrate Judge Sheila M. Finnegan	
Sergeant MAURICE BARNES, Chicago Police ) )	
Lt. ROBERT CESARIO, Chicago Police ) )	
Commander JOSEPH SALEMME, Chicago ) )	
Police Sergeant THOMAS MILLS, ) )	
) )	
Defendants. ) )	

**PLAINTIFFS' FOURTH MOTION IN LIMINE  
TO BAR EVIDENCE OR REFERENCE TO PLAINTIFF SPALDING'S  
RECEIPT OF DISABILITY PENSION BENEFITS**

NOW COME Plaintiffs, by and through their attorneys, moving *in limine* to bar evidence or reference to Plaintiff Shannon Spalding's receipt of ordinary disability benefits from the Retirement Board of the Policemen's Annuity and Benefit Fund as evidence of Plaintiff's mitigation of damages.

Plaintiff Spalding is seeking damages in this case for past and future lost wages as a result of Defendants' actions. Plaintiff Spalding has received ordinary disability benefits from the Retirement Board of the Policemen's Annuity and Benefits Fund since July 24, 2014. Benefits received from the Retirement Board are considered collateral source and should not be deducted from an award for back pay. *EEOC v. O'Grady*, 857 F. 2d 383, 389 (7<sup>th</sup> Cir. 1988.)

Therefore, evidence of Plaintiff Spalding's receipt of disability pension benefits should not be admitted into evidence.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court bar any evidence of Plaintiff Spalding's receipt of disability pension benefits at trial in this matter and direct all attorneys for Defendants to advise all of their witnesses of the Court's Order *in limine*.

Respectfully submitted,

/s/ Christopher R. Smith  
Christopher R. Smith  
Attorney for Plaintiff

Christopher Smith Trial Group LLC  
1 N. LaSalle Street, Suite 2000  
Chicago, IL 60602  
312.432.0400